



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 3953-99

5 October 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 NPC 815 of 7 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
NPC-815
07 Sep 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: NPC-OOCXB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 10 Jun 99
(b) NAVADMIN 308/95
(c) MILPERSMAN 1160-030

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner was on board the USS PENNSYLVANIA under deployment from October 1995 through January 1996. Petitioner planned for a 4 year reenlistment in March 1996 and to receive the zone "B" SRB entitlement offered in reference (b) for the STS rate. Petitioner's EAOS at the time was 27 Feb 1996 with an SEAOS of 27 Mar 1996.

- Petitioner was scheduled for immediate surgery in February 1996, prior to his expected reenlistment month of March 1996. Petitioner was placed on Limited Duty from February 1996 to this present day.

- Petitioner requests to effect a 4 year reenlistment in March 1996.

- Petitioner requests to back date the reenlistment to March 1996 to receive the zone "B" SRB entitlement in reference (b).

- Per reference (c), to be eligible for enlistment or reenlistment, servicemembers must be physically qualified to continue active service. Petitioner was not within the reenlistment eligibility at the time of passing through zone.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for the use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


S. R. CHRISTY

Head,
Reenlistment Incentives Branch